

W.H. Hawley
Assistant Attorney General
Office of Special Prosecutions
and Appeals
310 K Street, Suite 308
Anchorage, Alaska 99501
Telephone: (907) 269-6250
Facsimile: (907) 269-6270
Email: William_Hawley@law.state.ak.us

Attorney for Respondent John Turnbull

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

JON ARNOLD WOODARD,)	
)	
Petitioner,)	Case No. 3:05-cv-0089-TMB-JDR
)	
vs.)	<u>AFFIDAVIT SUPPORTING</u>
)	<u>UNOPPOSED MOTION TO</u>
JOHN CRAIG TURNBULL,)	<u>EXTEND TIME FOR</u>
)	<u>FILING RESPONSE TO</u>
Respondent.)	<u>APPLICATION FOR HABEAS</u>
_____)	<u>CORPUS</u>

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

W.H. Hawley, being first duly sworn, deposes and states:

1. I represent the respondent.
2. The state's response to Woodard's petition for habeas corpus is
due today.

3. I incorporate by this reference the affidavit I filed supporting the previous extension of time in this case.

4. I filed the state's brief in *Cabral v. State*, A-9441, on June 23, 2006, the response to the petition for hearing in *Walsh v. State*, A-12325, on June 27, 2006, a (renewed) petition for review in *State v. Batts*, A-9682, and an overlength merit brief in *Dow v. State*, A-9212 on July 26, 2006.

5. I have completed a 91-page draft brief in *Edwards v. State*, A-9018. It is being reviewed and edited by my supervisor and I expect to file it on September 6, 2006.

6. I had two oral arguments the last week of June, 2006 in the Alaska Court of Appeals and a third on July 10, 2006.

7. I have a merit brief due in the Alaska Court of Appeals on September 1, 2006, in *Hodges v. State*, A-9507. This case has had a 60-day non-routine extension and I must request another extension. I hope to file the state's brief on or before September 22, 2006.

8. The state's petition for review was granted by the Alaska Court of Appeals in *State v. Batts*, and I expect that the state's brief will be due approximately September 25, 2006. The state is seeking to overturn the trial judge's ruling that Alaska Evidence Rule 412 (permitting the state to impeach a defendant with a statement taken in violation of *Miranda*) violates the Alaska

Constitution. Batts is in custody and has been tied for murder twice. In each trial the defendant testified and mistrials resulted, and a third trial is pending (but stayed at the moment). My opinion is that Batts deserves priority and that I must work on it first.

9. I have an oral argument in the Alaska Court of Appeals on September 20, 2006 in Hoffman v. State, A-8831, and am required to attend the D.A.'s conference in Girdwood on September 11, 12, and part of September 13.

10. I hope to finish both Batts and Hodges before September 23 by working some nights and some on weekends.

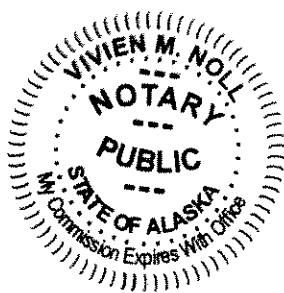
11. I plan to be out of the office beginning September 25 and ending October 13.

12. I have spoken with opposing counsel, Mr. Fleisher. He does not oppose this motion. I plan to file the state's response on November 1 barring an emergency.

Further your affiant sayeth naught.

W A Hawley

SUBSCRIBED AND SWORN to before me this 29th day of August,
2006, at Anchorage, Alaska.



Vivien M. Noll
Notary Public in and for Alaska